

COMMISSION on AGING and DISABILITY

LEGISLATIVE REPORT

Report No. 2006-10

May 26, 2006

This report on bills deemed of interest to older persons and disabled adults is compiled periodically during the regular session of the 104th General Assembly. The inclusion or exclusion of any information in this report does not constitute official endorsement for that particular legislative action by the Commission on Aging and Disability or its staff. This report is compiled and distributed solely for general public information purposes.

Status of Legislation of Interest of Second Session of 104th General Assembly, 2006

1. HB 2562 by Hackworth / SB 2611 by McNally. Driver Licenses. Requires persons 65 years of age or older to take vision and driver examination skills test every three years. [Amends TCA Title 55, Chapter 50.] On March 14, 2006, HB 2562 was deferred in subcommittee of Public Safety & Rural Roads of Transportation to January 14, 2007. SB 2611 was referred to the Senate Transportation Committee on February 9, 2006.
2. HB 2813 by Miller / SB 2543 by Person. Changes the county official from the county clerk to the county trustee for the purposes of administering senior citizen tax freeze in Shelby County. [Amends TCA Section 67-5-1515]. On May 12, 2006, companion Bill became Public Chapter 572. SB 2543 has been signed by Governor on May 4, 2006, and became Public Chapter 572 on May 12, 2006.
3. HB 2816 by Moore, et al / SB 2870 by Haynes et al. Increases the amount of annual income that cannot be exceeded by elderly low-income homeowners and disabled homeowners seeking property tax relief from \$12,980 in 2005 to \$13,370 in 2006. [Amends TCA Title 67, Chapter 5, Part 7]. On May 23, 2006, action was deferred on HB2816 in subcommittee of Budget of Finance, Ways & Means to May 23, 2006. On April 17, 2006, SB 2870 passed Senate 28-0 and was received from the Senate and held on House desk on April 19, 2006.
4. HB 2844 by Curtiss, et al / SB 2766 by Tracy, et al. Establishes departmental task force to conduct statewide assessment to study needs of persons with a developmental disability other than mental retardation for whom comprehensive home and community based services do not exist and to develop plan to provide cost-effective home and community-based services for such persons. – [Amends TCA Title 33]. HB 2844 became Public Chapter 604, effective date July 01, 2006. SB2766 companion bill became Public Chapter 604.
5. HB 2934 by McMillan, Winningham, Cooper. B / SB 3329 Kilby, Burks, and Crutchfield. Education - Decreases the service fee public institutions may charge to disabled or elderly persons enrolled in or auditing courses - from *not to exceed \$50 a quarter or \$75 a semester to not to exceed \$45 a quarter or \$70 a semester* - Amends TCA Title 49. On May 24, 2006, HB 2934 was placed on regular calendar # 2 for May 25, 2006. SB 3329 passed Senate 30-0 on March 27, 2006, and was received from the Senate and held on House desk on March 30, 2006.
6. HB 3018 by Kernell, Brooks, and Cooper. Sunset Laws - Commission on aging, June 30, 2011. [Amends TCA Title 4, Chapter 29 and Title 71, Chapter 2.] HB 3018 was referred to Government Operations Committee on February 22, 2006.

7. HB 3220 by Kelsey / SB 3118 by Finney. Authorizes the commissioner of Finance and Administration to seek a new federal waiver in order to implement a program of personal health accounts. [Amends TCA Title 71]. HB 3220 was referred to Government Operations for review-Health on February 23, 2006. On May 10, 2006, SB 3118 was assigned to Senate General Welfare, Health and Human Resources Committee.
8. HB 3289 by Kernell, L. DeBerry, and West / SB 2861 by Cohen. Enacts the "Community Choices Act of 2006." [Amends TCA Title 63 and Title 71]. On April 11, 2006, HB 3289 was taken off notice for calendar in subcommittee of Health Care Facilities of Health & Human Resources Committee. On May 3, 2006, SB 2861 passed (30-0) as amended and held on House desk.
9. HB 3389 by Shepard / SB 3438 by Jackson. Revises the present report of the commissioner of health on nursing home inspection and enforcement activities to include homes for the aged; such report to also include the status and degree of compliance relative to sprinkler systems, smoke detectors and fire drills at such facilities. [Amends TCA Title 5, Chapter 17; Title 6; Title 7; Title 68, Chapter 102, Part 1; Title 68, Chapter 11 and Title 68, Chapter 1]. HB 3389 was assigned to the subcommittee on Health Care Facilities of Health and Human Resources on March 1, 2006. SB 3438 was referred to the Senate General Welfare, Health and Human Resources on February 22, 2006.
10. HB 3392 by McMillan / SB 2934 by Kyle. Expands the reach of the health care safety net. [Amends TCA Title 71, Chapter 5]. HB 3392 was held on desk pending amendment. SB 2934 was referred to Senate General Welfare, Health and Human Resources Committee on February 22, 2006.
11. HB 3393 by McMillan / SB 3067 by Kyle. Modifies the law to treat TennCare equitably with respect to other creditors in pursuing a claim against a decedent's estate; requires additional notices of the death of a TennCare recipient to be provided to the Bureau of TennCare. [Amends TCA Title 30 and Title 71, Chapter 5]. SB3067 and HB3393 have been assigned Public Chapter Number 639 by the Secretary of State, effective date January 1, 2007.
12. HB 3429 by Odom / SB 3105 by McNally. Requires personal support services agency to make certain disclosures to personal support service workers and consumers. [Amends TCA Title 33]. On April 5, 2006, HB 3429 was taken off notice for calendar in Government Operations Committee. On April 3, 2006, SB 3105 was assigned to General Subcommittee of General Welfare, Health and Human Resources Committee.
13. HB 3618 by Shepard / SB 3409 by Jackson. Requires criminal background checks for nursing home employees to be conducted prior to employment; requires compliance by potential employee with at least two background checking methods listed in statute. [Amends TCA Title 68]. On May 10, 2006, companion Senate Bill was substituted for HB3618. On May 11, 2006, SB 3409 was signed by House and Senate speakers. SB 3409 was signed by the Governor on May 19, 2006.
14. HB 3641 by Ferguson / SB 3460 by Kilby. Disabled Persons - Enacts the "Assistive Technology Assistance Act of 2006." - Amends TCA Title 4, Chapter 29 and Title 71. On March 2, 2006, HB 3641 was referred to Government Operations for review; referred to Health and Human Resources. On March 27, 2006, SB 3460 was taken off notice in General Welfare, Health, and Human Resources Committee.
15. HB 3693 by Overbey, Shepard, Bone, McKee, Eldridge, Sargent, DeBerry J, Pinion, Harwell, Casada, Todd, McDaniel, McCord, Harrison, Jones U, Fraley, Mumpower, Dunn, Hawk, Stanley, Kelsey, Brown, Tidwell, Montgomery, Strader, Brooks

(Knox), Hensley, and Armstrong / SB 3802 by Norris, McNally, Ramsey, Burchett, Black, Finney, Bowers, Burks, Southerland, Tracy, Ketron, Williams, McLeary, Ford, O., Bowers, and Bryson. Limits health care provider liability to actual economic losses plus \$250,000 in non-economic losses; provides for periodic payment of future damages; limits security required to stay a judgment pending appeal; modifies contingent fee caps; and modifies requirements for expert testimony and for release of medical information. [Amends TCA Title 29, Chapter 26, Part 1]. On March 28, 2006, HB 3693 failed in subcommittee Civil Practice and Procedure of JUD of Judiciary Committee. SB 3802 was referred to Senate Judiciary Committee on March 1, 2006.

16. HB 3694 by Watson / SB 3797 by Fowler. Requires the commissioner of finance and administration to develop and enforce a uniform standard for the denial of or payment of claims for specialized equipment for the developmentally disabled. [Amends TCA Title 33; Title 56 and Title 71, Chapter 5, Part 1]. On May 2, 2006, HB 3694 was taken off notice for calendar in Commerce Committee. On April 17, 2006, SB 3797 passed 28-0, and was received from Senate and held on House desk.
17. HB 3723 by Kernell / SB 3795 by Ford, O. Directs bureau of TennCare to develop and submit a waiver proposal to the federal Centers for Medicare and Medicaid Services that would use medical assistance funds with federal financial participation for matching premiums provided by small businesses for group policies offered by the state. [Amends TCA Title 50; Title 56 and Title 71]. HB 3723 was held as caption bill, pending amendment. On April 11, 2006, SB 3795 was assigned to general subcommittee of Commerce, Labor & Agriculture Committee.
18. HB 3813 by Marrero and Turner / SB 3651 by Harper. Sunset Laws - Enacts the "Government Reduction Act of 2006." [Amends TCA Title 4; Title 43, Chapter 33; Title 62, Chapter 43; Title 68, Chapter 11 and Title 71, Chapter 5]. HB 3813 was referred to Government Operations on March 2, 2006. On May 23, 2006, SB 3651 was taken off notice for calendar in Senate Government Operations Committee calendar.
19. HB 4011 by McMillan, Maddox, Fitzhugh / SB 3895 by Cooper, Kyle, McNally, Kilby, and Herron. Revises various provisions regarding TennCare, including specifying that the state is no longer required to process applications for TennCare for persons who no longer fall into an eligible coverage category and requiring the comptroller to provide the general assembly with annual updates regarding prescription drugs in nursing homes. [Amends TCA Title 4, Title 8, Title 10; Title 12; Title 20; Title 29; Title 33; Title 37; Title 39; Title 40; Title 41; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 58; Title 63; Title 67; Title 68; and Title 71]. On May 17, 2006, companion Senate Bill was substituted for HB 4011. On May 26, 2006, SB 3895 was signed by Senate speaker.
20. HB 4012 by McMillan / SB3896 by Kyle and McNally. Revises various provisions regarding TennCare, including requiring the board of pharmacy to report the collection of any fines resulting from a TennCare-related matter, specifying that the state is no longer required to process applications for TennCare for persons who no longer fall into an eligible coverage category, and requiring the comptroller to provide the general assembly with annual updates regarding prescription drugs in nursing homes. [Amends TCA Title 4, Title 8, Title 10; Title 12; Title 20; Title 29; Title 33; Title 37; Title 39; Title 40; Title 41; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 58; Title 63; Title 67; Title 68; and Title 71.] HB 4012 was held on desk pending amendment. On April 26, 2006, SB 3896 was assigned to the Senate Government Operations Committee.

21. HJR 0124 by McMillan, Johnson C, Moore, Jones S, Langster, and Hargett. Constitutional Amendments - Allows the general assembly to authorize counties and municipalities to authorize a program of tax relief for certain elderly homeowners. On March 22, 2006, HJR0124 was placed on regular calendar for April 3, 2006.
22. HJR 0886 by Matheny. Commits Tennessee's resources to maintaining and improving quality of life for senior citizens by identifying ways and means to keep our pension, health care, and other systems affordable and sustainable. On May 10, 2006, HJR 0886 was adopted 96-0, and referred to the Senate Finance, Ways & Means Committee on May 11, 2006. On May 25, 2006, failed in Senate Finance, Ways & Means Committee for lack of motion.
23. SJR 0001 by Norris, Finney, Tracy, Black, Woodson, Bryson, Ketron, Jackson, Person Curtis, Crutchfield, Kilby, Burks, Bowers, Crowe, Ramsey, Beavers, Burchett, Cohen, Cooper, Ford, O., Fowler, Harper, Haynes, Henry, Herron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Southerland, Wilder, Williams. Gives the general assembly by general law the authority to authorize counties and municipalities to adopt a resolution or ordinance to create a program of tax relief for certain elderly homeowners. [Amends Article II, Section 28 of the Tennessee Constitution]. On March 30, 2006, SJR 0001 was passed 33-0. On April 6, 2006, House concurred 95-1. Signed by House speaker on April 11, 2006.
24. SJR 0062 by Kilby. Creates a special joint committee to study the need for assistive technology assistance in Tennessee and to provide assistance with loans and purchase of equipment designed to enable persons with disabilities to become more independent and productive. The joint committee shall also consider the establishment of an assistance technology loan fund and outline the eligibility criteria, repayment of the loans and specific uses for the loans. SJR 0062 was referred to Senate Delayed Bills Committee on February 17, 2006.
25. SJR 0519 by Cohen. Urges governor to provide safety net coverage to dually eligible beneficiaries and medically needy disenrollees under the Medicare Modernization Act, Part D prescription drug program. SJR 0519 was referred to Senate General Welfare, Health and Human Resources Committee on February 8, 2006.

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